

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FRANK L. BARELA, JR.,

Plaintiff,

Case No. 1:20-cv-12319

v.

Honorable Thomas L. Ludington
United States District Judge

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, (2) DENYING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT, (3) GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND (4) REMANDING COMMISSIONER'S DECISION**

This matter is before this Court upon Magistrate Judge Curtis Ivy, Jr.'s Report recommending that Defendant's Motion for Summary Judgment be denied and that Plaintiff's Motion for Summary Judgment be granted. ECF No. 19. Although the Report states that the parties could object to and seek review of the recommendations within 14 days of service, neither Plaintiff nor Defendant filed any objections. They have therefore waived their right to appeal Judge Ivy's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also Howard v. Sec'y of Health & Hum. Servs.*, 932 F.2d 505 (6th Cir. 1991) (holding that claimants waive the right to appeal by filing a general objection to the report).

Accordingly, it is **ORDERED** that Magistrate Judge Ivy's Report and Recommendation, ECF No. 19, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 16, is **DENIED**.

Further, it is **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 13, is **GRANTED** to the extent it seeks remand of the Commissioner's decision.

Further, it is **ORDERED** that the Commissioner's decision to deny supplemental security income is **REMANDED**.

Dated: February 28, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge